

To: Superintendents, County Superintendents, Principals and Federal Programs Directors

The Montana Office of Public Instruction is taking comments from districts and schools about requesting a waiver of the limitation in section 1127(b) of the Elementary and Secondary Education Act of 1965 (ESEA) that prohibits a State educational agency (SEA) from granting to a local educational agency (LEA) a waiver of the carryover limitation in section 1127(a) of the ESEA more than once every three years. Section 1127(b) permits an SEA to waive the limitation in section 1127(a) once every three years if: (1) the LEA's request is reasonable and necessary; or (2) a supplemental Title I, Part A appropriation becomes available. In accordance with these provisions, Montana is requesting a waiver to allow Montana to waive the carryover limitation more than once every three years for an LEA that needs the additional waiver(s) because of its Title I, Part A funds made available under the American Recovery and Reinvestment Act of 2009 (ARRA), which is, by definition, a supplemental Title I, Part A appropriation.

Unlike previous years, this waiver will not be a "blanket" waiver covering all districts, but will be done on an individual district basis.

The second waiver is to request a one-year waiver of the Title I, Part A regulatory provision that prohibits a State from approving as providers of supplemental educational services (SES) schools identified for improvement, corrective action, or restructuring and local educational agencies (LEAs) identified for improvement or corrective action (34 C.F.R. § 200.47(b)(1)(iv)(A), (B)), for the 2010-2011 school year.

The window for taking comments on the two proposed waivers will run from May 16, 2012, at 12:00 PM, until May 23, 2012, at 5:00 PM. Comments can be sent to the following email address: [opiwaivers@mt.gov](mailto:opiwaivers@mt.gov).

If you have questions about the three proposed waivers, please contact Jack O'Connor, Assistant Title I Director, Montana Office of Public Instruction, 406-444-3083 or [joconnor2@mt.gov](mailto:joconnor2@mt.gov).